

June 18, 2008
Nivar

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VIA ECFS

The Honorable Kevin J. Martin, Chairman
The Honorable Michael J. Copps, Commissioner
The Honorable Jonathan S. Adelstien, Commissioner
The Honorable Deborah Taylor Tate, Commissioner
The Honorable Robert M. McDowell, Commissioner

Federal Communications Commission
445 12 Street, SW
Washington, DC 20554

**Re: Consolidated Application for Authority to Transfer Control of
XM Radio Holdings Inc. and Sirius Satellite Radio Inc.,
MB Docket No. 07-57**

Dear Mr. Chairman and Commissioners:

Through careful consideration of past filings in this docket the commission must include a measure to protect the integrity of any proposed noncommercial minority allocation from any opportunistic individuals and or organizations that may have the very minorities they claim to represent last in mind. I deem it appropriate and necessary to outline specific yet simple requirements for individuals and or entities interested in applying for the noncommercial licenses proposed to be leased, while not disadvantaging an honestly interested party. Race should not be the sole defining factor in granting an application to lease one of the noncommercial minority channels in the new entity; they must seriously desire to serve the interests of the minorities they represent. (Emphasis added) In addition, Census Bureau estimates can be the best nondiscriminatory source for properly distributing allocated channels towards specific minorities while in the process of deciding which applications to grant. According to recent Census data¹ Hispanics are the number one minority, followed by African-Americans in second and Asians in far third. Thank you for serving the public's interests, including those whom are less spoken of during government decisions.

Sincerely,

/s/ Julio A. Nivar

Julio A. Nivar